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BEFORE THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON AVIATION, HEARING ON THE JUNE 9, 2004
EVACUATION OF THE CAPITOL
JULY 8, 2004

Chairman Mica, Congressman DeFazio, Members of the Subcommittee:

Good morning. I'm pleased to appear before you today, along with my colleague from the Transportation Security Administration, to discuss the Federal Aviation Administration's (FAA) role in the incident that occurred on June 9, 2004, that resulted in the evacuation of the U.S. Capitol. As you all know, the Governor of Kentucky was aboard a state owned aircraft that had received a waiver to land at Ronald Reagan National Airport (DCA) in order for the Governor to attend President Reagan's state funeral. As I will describe in greater detail, the transponder on the aircraft was not functioning properly, and the FAA's response resulted in misunderstanding and concern about the identity and intent of the aircraft by other agencies monitoring the airspace. Given the heightened security surrounding President Reagan's funeral, and the incomplete information about the aircraft heading toward Washington, D.C., the Capitol Police made the decision to evacuate the U.S. Capitol. I would like to outline for you how this event unfolded and what mistakes and miscommunications were made, and, most importantly, how these mistakes will be avoided in the future.

On the afternoon of June 9th, the state owned aircraft carrying the Governor of Kentucky and his party left Cincinnati with a valid waiver from the FAA to land at DCA. General aviation operations that are granted waivers to land there are required to be in continuous

two-way communication with air traffic control and to have an operable transponder with automatic altitude reporting capability. The required transponder provides two pieces of information to individuals monitoring the radar. The first is aircraft identification and tracking information through the computerized assignment of a data tag – referred to as Mode 3/A. The second is aircraft altitude information, referred to as Mode C.

After the aircraft departed Cincinnati, the departure controller requested the pilot to verify that his transponder was on because information was not being received. The pilot reported that it "should be on," and subsequently stated that the transponder "just quit." Shortly thereafter the transponder was working sufficiently for a data tag – the identifying and tracking information – to be automatically assigned to the aircraft. Afterward, the transponder failed completely.

When Indianapolis Air Route Traffic Control Center (ARTCC) accepted the handoff of the aircraft from the Cincinnati TRACON, the controller asked the pilot to reset the transponder. The pilot informed the Center that the transponder broke on departure and asked if this would be a problem for landing at DCA. At this time, the computer assigned data tag was still attached to the radar display of the aircraft identifying the aircraft. The aircraft was permitted to proceed.

With the flight proceeding to Washington, the aircraft was handed off to different sectors within the Indianapolis Center. At one point, the characterization of the aircraft was described by the controller making the hand off as "transponder only," a term that could

be understood to mean that the transponder was functional. This characterization of the aircraft's equipment did not properly describe the correct status of the aircraft. In fact, the aircraft was a "primary only" target, meaning that it did not have a functional transponder. The "transponder only" description was passed between and among a number of controllers involved with the flight. Unfortunately, none of them questioned the description despite the fact that the radar display indicated a primary target.

When Indianapolis Center handed the aircraft off to Washington Center, the aircraft was correctly described as "primary associated with a data block." Data block and data tag are used interchangeably to refer to the information depicted on the controller's radar display that is associated with each aircraft target. Because of the absence of Mode C information associated with the aircraft, the operations manager at Washington Center appropriately informed the Domestic Events Network (DEN) about the aircraft. The DEN, established in the aftermath of September 11th, is an open telephone line to a number of pertinent agencies to monitor potentially significant events that are occurring anywhere throughout the country. Unfortunately, the FAA inaccurately reported to the DEN that, while the aircraft in question had no Mode C readout, it otherwise had a functioning transponder. If the report to the DEN had correctly identified the aircraft as primary only, it is unlikely the subsequent evacuation of the Capitol would have occurred.

Understandably, security around the nation's capital is very tight. Since September 11th, there are two airspace zones established around the National Capital Region.

Approximately thirty miles around the Capital is the air defense identification zone (ADIZ). Fifteen miles around the Capital is the flight restricted zone (FRZ). How flights are handled heading toward or entering these zones varies depending on the existing threat level. In this situation, as the aircraft approached the ADIZ, it was handed off to the Potomac Terminal Radar Approach Control (TRACON), the consolidated terminal facility serving Washington, D.C. area airports. When the aircraft was handed off from Washington Center, the data tag containing identification and tracking information did not automatically transfer to the TRACON's radar. Washington Center informed the Potomac TRACON of the identity of the aircraft, at which point the TRACON controller manually input the flight information to generate a new data tag associated with the aircraft, so the controllers at the TRACON could see appropriate aircraft information.

Unfortunately, the National Capital Region Coordination Center (NCRCC) had not yet received the type of radar display used by the air traffic controllers at the Potomac TRACON. Therefore, the data tag that the Potomac TRACON assigned to the aircraft to identify the flight information for the Kentucky Governor's plane was not displayed on the radar displays available to the NCRCC on that day, nor was it displayed on the radars of our counterpart agencies. Consequently, when Immigration and Customs Enforcement (ICE) contacted the Potomac TRACON to see if they were tracking an unidentified target moving toward Washington, the TRACON ADIZ monitor specialist did not see an unidentified target because our radar display did not show an unidentified target. The target that ICE saw as "unidentified" was the same target that appeared on the TRACON display with a data tag identifying it as the aircraft carrying the Kentucky Governor. The

subsequent effort to identify the aircraft by conforming FAA's radar information with that of ICE and the NCRCC, and to communicate that information on the DEN took longer than it should have.

Although only a few minutes elapsed before the information was reconciled and the target was understood not to be a threat, this realization did not occur in time to prevent the North East Air Defense Sector (NEADS) from committing fighter aircraft to act and ICE from launching its aviation assets in defense of the Capital. Further, the reconciliation of information did not occur in time to prevent the Capitol Police from evacuating the U.S. Capitol.

In our review of this incident, we determined that there were several things FAA personnel should have done differently. FAA facilities consistently failed to communicate the type of equipment failure onboard the aircraft correctly as it progressed toward Washington. Our ADIZ monitor specialist working the DEN failed to understand that the information being discussed about the location of the unidentified aircraft correlated exactly with an aircraft that was known by FAA controllers not to be a security risk. The Potomac TRACON controller failed to ensure that supervisory personnel were aware that the target being tracked was primary only and that the transponder was completely inoperative.

Since this incident occurred, the FAA has provided the NCRCC with a radar display with a feed from our Potomac TRACON that has identical capability to the FAA's radar

display. This will effectively reduce the possibility of a similar misunderstanding in the future. NCRCC received the new radar display on June 25 and it is now fully operational. In addition, we have developed a six point action plan currently being executed that focuses on the training and retraining of FAA personnel and pilots flying into the Washington ADIZ to make the coordination and communication of information more effective and less confusing. Finally, the FAA policy that required an aircraft to have an operable transponder with automatic altitude reporting capability in order for it to enter the Washington ADIZ is mandatory and can no longer be waived, even if the FAA is satisfied that the operator poses no threat to security. As with many procedures and policies in the post September 11th world, the FAA will continue to modify and refine its airspace requirements and procedures as new information is obtained, and do so in consultation with other agencies.

On behalf of the FAA, I regret that our agency contributed to the events that led to the unnecessary evacuation of the U.S. Capitol, especially at a time when the eyes of the country and the world were focused on President Reagan's funeral. In response to this event, in addition to the measures outlined above, we have reiterated to our workforce the need to follow established procedures and protocols without exception, even when there seems little doubt that a risk exists. We will continue to work with our employees, other agencies and the aviation community to make the airspace more safe and secure for our citizens and this country.

This concludes my prepared statement. I will be happy to answer your questions at this time.